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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,443	10/27/2000	Sherif Safwat	2146	8623

7590 07/01/2003

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EXAMINER
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ROWAN, KURT C

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 07/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.  
09/674,443

Applicant(s)

SAFWAT

Examiner

KURT ROWAN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on May 30, 2003.

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-47 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-47 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892)

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

6)  Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 30, 2003 has been entered.

### ***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 U.S.C. § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-3, 12-15, 24, 26, 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richard.

The patent to Richard shows a fishhook having an electrically conductive shank 8 having an eye (not labeled) adapted to be coupled to a fishing line. Richard shows an electrically conductive bend, a point and a self-contained bioelectric simulating means which is the interaction between anodic area of steel 4, a plastic band 7, and the gold coating 8. The bioelectric simulating means is formed by the anode and cathode formed adjacent the point of the hook. In reference to claim 1, it would have been obvious to provide Richard with the electret disposed on the shank adjacent the hook eye since a breakage at this point would also cause the hook to fail. In reference to claim 13, Richard does not disclose that the material forming the enlarged portion adjacent the eye (compared to the bend 4 in Fig. 1c) is heavier than the material of the shank, but it would have been obvious to employ heavier material at the enlarged portion of the hook to alter the balance of the hook depending on fishing conditions, the type of lure action being sought, and whether a trailer is mounted to the hook. In reference to claim 14, Richard shows one bend and one point, but it would have been obvious to employ a double hook (which would have a pair of bends) for the purpose of increasing the chance of hooking the fish. In reference to claim 40, Richard shows all of the elements recited with the exception of the extension hardware coupled to the eye. However, it would have been obvious to employ old and well extension hardware to space the hook from the fish line.

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The examiner takes Official Notice that double hooks along with a pair of bends and extension hardware are old and well known in the art.

5. Claims 4-11, 16, 25, 42-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richard as applied to claim 1 above, and further in view of Barfield.

The patent to Richard shows a fishhook as discussed above. The patent to Barfield shows a fishing lure having an artificial lure A' located on the fishhook as shown in Fig. 7. In reference to claims 4-5, it would have been obvious to provide the hook of Richard with an artificial lure mounted on the fishhook for the purpose of attracting more fish to the lure and inducing those to strike the lure which increases the number of fish caught.

6. Claims 22-24, 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massie.

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The patent to Massie shows a fishing lure having a plurality of strands 6, 7, one of the strands is considered as the anodic segment and the other of the strands is considered as the cathodic segment. Massie has the strands separated and an electronic current flows between the fluttering electrodes which inherently produces an electromagnetic field and a bioelectric simulating means. In reference to claim 22, it would have been obvious to provide Massie with anodic and cathodic segments on the same strand although Massie shows separate strands the anodic and cathodic since the function is the same and no stated problem is solved.

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6. Claims 17-22, 27-36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodgers.

The patent to Rodgers shows a bioelectric simulating fishing lure having a body and electrically conductive strands 11, 13 which have sections secured to the body and other sections that protrude from the body as shown in Fig. 1. The strands are treated to provide the biosimulating means which upon immersion in water an electromagnetic field is produced about the lure to induce a strike from a fish as disclosed in column 2, lines 46-52. In reference to claims 17 and 22, it would have been obvious to provide Rodgers with an electret on one of the strands rather than use two strands to make up the electret since the function is the same. Rodgers does not disclose replacing the fishhook to change cathodic segments, but it would have been obvious to change the fishhook to change cathodic segments instead of replacing segments 11, 13 since the function is the same and no stated problem is solved.

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7.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KURT ROWAN whose telephone number is (703) 308-2321.

The examiner can normally be reached on Monday-Thursday from 6:30 a.m. to 5:00 p.m.

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The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195 or (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



KURT ROWAN

PRIMARY EXAMINER

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June 29, 2003